

REMARKS

Claims 1-8 are all the claims pending in the application. Claims 1 and 4-7 have been amended.

Claim 1 has been amended to incorporate subject matter of claim 4, to recite wherein the resin composition comprising a polyolefin resin mixed with an ultrafine nylon fibers-dispersed polyolefin resin composition, and magnesium hydroxide particles.

Claim 4 has been amended to remove the recitation of further comprising magnesium hydroxide particles, and to recite that the resin composition as set forth in claim 1 further comprising silica particles.

Claims 5-7 have been amended to replace the recitation of "polyamide fibers" with "ultrafine nylon fibers".

No new matter has been added. Entry of the Amendment is respectfully requested.

I. Response to Claim Objection

In the Office Action, claims 5 and 7 are objected to.

Specifically, regarding claim 5, the Examiner asserts that the recitation of "polyamide fibers" in line 3 should be replaced with "ultrafine nylon fibers", because "polyamide fibers" are broader in scope than the "ultrafine nylon fibers" recited in claim 1.

Regarding claim 7, the Examiner asserts that the recitation of "polyamide fibers" in line 2 should be replaced with "ultrafine nylon fibers", because "polyamide fibers" are broader in scope than the "ultrafine nylon fibers" recited in claim 1.

In response, claims 5 and 7 have been amended to replace the recitation of "polyamide fibers" with "ultrafine nylon fibers", to recite that the ultrafine nylon fibers-dispersed polyolefin

resin composition is comprised of a polyolefin, ultrafine nylon fibers, a silane coupling agent and silica particles, as suggested by the Examiner.

Withdrawal of the forgoing claim objection is respectfully requested.

II. Response to Claim Rejection under 35 U.S.C. § 102/§ 103 over JP '570

Claims 1-3 and 7 stand rejected under 35 U.S.C. §102(b) as allegedly being anticipated by JP 11-106570 (JP '570).

Claims 4-6 stand rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over JP '570 (JP 11-106570) in view of Sugiyama et al (US 4,082,909; "Sugiyama").

Claim 8 stands rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over JP '570 (JP 11-106570) in view of JP 11-302464 (JP '464).

Applicants respectfully traverse the above rejections.

Claim 1 presently recites a resin composition to be used for electric wire sheaths, wherein the resin composition comprising a polyolefin resin mixed with an ultrafine nylon fibers-dispersed polyolefin resin composition, and magnesium hydroxide particles.

JP '570 is relied upon as disclosing a resin composition comprising a polyolefin-polyamide resin composition that is mixed with rubber or resin as reinforcement (paragraph 0001). The Examiner asserts that the polyolefin-polyamide resin composition of JP '570 comprises 90-40 parts by weight of polyolefin, 10-60 parts by weight of polyamide fibers having an average fiber diameter of 1 micron or less and an aspect ratio of 20-1,000, and 0.1-5.5 parts by weight of silane coupling agent (Abstract). The Examiner cites Table 2 of JP '570 as disclosing polyolefin-polyamide resin composition mixed with NBR (nitrile butadiene rubber) or PE (polyethylene).

However, JP '570 at least fails to disclose or suggest the recitation of magnesium hydroxide particles, as recited in claim 1.

Sugiyama is relied upon as disclosing that silica is known as "white carbon" (col. 2, lines 26-27). It is the Examiner's position that JP '570 teaches the use of a white carbon filler which is equivalent to silica as taught by Sugiyama, it would have been obvious to one of ordinary skill in the art utilize silica in the polyolefin-polyamide resin composition taught by JP '570. However, Sugiyama does not disclose use of magnesium hydroxide particles. Sugiyama does not make up the above noted deficiencies of JP '570.

In view of the above, it is respectfully submitted that the present claims are patentable over JP '570 in view of Sugiyama, and withdrawal of the present 35 U.S.C. §102 and §103(a) rejections is respectfully requested.

III. Double Patenting Rejection over U.S. Patent No. 7,041,726

Claims 1-8 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1 and 4-6 of U.S. Patent No. 7,041,726.

Without acquiescing to the merits of the rejection, to advance prosecution, the common Assignee submits herewith a Terminal Disclaimer, disclaiming the terminal part of the statutory term of any patented granted on the present application which would extend beyond the expiration date of the full statutory term of prior U.S. Patent No. 7,041,726, to thereby obviate the foregoing rejection. Withdrawal is respectfully requested.

IV. Provisional Double Patenting Rejection

Claims 1-4 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 4 and 5 of co-pending Application No. 10/533,159 (published as US 2006/0241221).

A patent has not yet issued from the 10/533,159 Application. Accordingly, the present double patenting rejection with regard to the 10/533,159 Application is a provisional double patenting rejection. Applicants respectfully request that the present provisional double patenting rejection with regard to 10/533,159 Application be held in abeyance at this time.

V. Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

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